



Tennessee Supreme Court
DISCRETIONARY APPEALS
Grants & Denials List
December 6, 2021 - December 10, 2021

DENIALS

Style/Appeal Number	County/Trial Judge/ Trial Court No.	Intermediate Court	Supreme Court Action
<u>Nashville</u>			
JULIE C. W. v. FRANK MITCHELL W. JR. M2019-01243-SC-R11-CV	Davidson County Circuit Court Philip E. Smith 13D-1587	Swiney, D. Michael: Vacate Davis, Kristi M.: Concur	DENIED - Application of Frank Mitchell W., Jr.; Order Filed 12-9-2021
ALBERT M. BENDER, JR., ET AL. v. ATTORNEY S. MADISON ROBERTS, ET AL. M2019-01699-SC-R11-CV	Davidson County Chancery Court Russell T. Perkins 19-0511-IV	Clement Jr., Frank G.: Affirm	DENIED - Application of Albert Bender, Jr. and Melanie Bender; Order Filed 12-8-2021
RICARDO ANTONIO DEMLING v. STATE OF TENNESSEE M2019-01822-SC-R11-PC	Bedford County Circuit Court M. Wyatt Burk 2016-CR-18229-PC	McMullen, Camille R.: Affirm	DENIED - Application of Ricardo Antonio Demling; Order Filed 12-8-2021

STATE OF TENNESSEE v. DARNELL TRESHAWN WIGGINS M2019-02086-SC-R11-CD	Maury County Circuit Court Stella L. Hargrove 26130	Dyer, J. Ross: Affirm	DENIED - Application of Darnell Treshawn Wiggins; all Motions filed by Mr. Wiggins are Denied; Order Filed 12-8-2021
STATE OF TENNESSEE v. DEJAVONE LEE WOODS M2020-00114-SC-R11-CD	Rutherford County Circuit Court (CRIMINAL) Royce Taylor F-78596	Williams, John Everett: Affirm	DENIED - Application of Dejavone Lee Woods; Order Filed 12-10-2021
STATE OF TENNESSEE v. VINCENT PARKER LEE M2020-00572-SC-R11-CD	Macon County Criminal Court Brody N. Kane 07-132	Witt Jr., James Curwood: Affirm	DENIED - Application of Vincent Parker Lee; Order Filed 12-8-2021
STATE OF TENNESSEE v. QUINDARIUS LAMONTA JORDAN M2020-00714-SC-R11-CD	Davidson County Criminal Court Jennifer Smith 2018-A-383	Montgomery Jr., Robert H.: Affirm	DENIED - Application of Quindarius Lamonta Jordan; Order Filed 12-8-2021
IRENE HOWARD v. STATE OF TENNESSEE M2020-00735-SC-R11-CV	Tennessee Claims Commission Commissioner, TN. Claims Commission (Middle Division) T20192077-1	Davis, Kristi M.: Affirm	DENIED - Application of Irene Howard; Order Filed 12-8-2021

STATE OF TENNESSEE v. ELVIN PORTILLO
M2020-01179-SC-R11-CD

Davidson County Criminal Court
Cheryl A. Blackburn
2019-C-2367

Easter, Timothy L.: Affirm

DENIED - Application of Elvin Portillo;
Order Filed 12-9-2021

WEST BEND MUTUAL INSURANCE COMPANY
v. HEALY HOMES, LLC
M2021-00902-SC-R23-CV

U. S. DISTRICT COURT OF TENNESSEE
Clifton L. Corker
3-20-CV-00003-DCLC

DECLINED - U.S. District Court Certification Order, per Tennessee Supreme Court Rule 23 (order attached);
DENIED AS MOOT - Request for oral argument;
Order Filed 12-8-2021

WILLIAM JEFF SPEARS v. LADONNA K. SPEARS
ET AL.
M2021-01010-SC-R10-CV

Coffee County Chancery Court
Vanessa Jackson
2016-CV-38

Per Curiam: Case Dispositional Decision

DENIED - Rule 10 Application of William Jeff Spears;
Order Filed 12-8-2021

EDWARD RONNY ARNOLD v. DEBORAH
MALCHOW ET AL.
M2021-01036-SC-R11-CV

Davidson County Circuit Court
Amanda Jane McClendon
19C-3007, 20C-2199

Per Curiam: Case Dispositional Decision

DENIED - Application of Edward Ronny Arnold;
Order Filed 12-9-2021

Knoxville

LEMARICUS DAVIDSON v. STATE OF TENNESSEE E2019-00541-SC-R11-PD	Knox County Criminal Court Walter C Kurtz 111962	Ogle, Norma McGee: Affirm	DENIED - Application of LeMaricus Davidson; Order Filed 12-8-2021
STATE OF TENNESSEE v. MATTHEW THOMAS DOTSON E2019-01614-SC-R11-CD	Roane County Criminal Court Michael S. Pemberton 2012-CR-120	Holloway Jr., Robert L.: Affirm	DENIED - Application of Matthew Thomas Dotson; Order Filed 12-9-2021
GABRIEL BUCHANON v. STATE OF TENNESSEE E2019-01989-SC-R11-PC	Hamilton County Criminal Court Don W. Poole 277379	Williams, John Everett: Affirm	DENIED - Application of Gabriel Eugene Buchanon; Order Filed 12-8-2021
STATE OF TENNESSEE v. ALONZO HOSKINS E2020-00052-SC-R11-CD	Knox County Criminal Court Bobby R. McGee 111103	Wedemeyer, Robert W.: Affirm	DENIED - Counsel's Application of Alonzo Hoskins; DISMISSED - Pro Se Application of Alonzo Hoskins; DENIED AS MOOT - Counsel's Motion for leave to file Rule 11 Application; Order Filed 12-8-2021
STATE OF TENNESSEE v. JAMES MICHAEL MARTIN E2020-00097-SC-R11-CD	Greene County Criminal Court Alex E. Pearson 18CR33	Witt Jr., James Curwood: Affirm	DENIED - Application of James Michael Martin; The Court waives the time limit;

MARN SUZANNE LARSEN-BALL v. WILLIAM
GORDON BALL
E2020-00297-SC-R11-CV

Knox County Chancery Court
Gregory S. McMillan
166176-2

Frierson II, Thomas R.: Modify in
Part

DENIED - Application of William
Gordon Ball;
Order Filed 12-8-2021

STATE OF TENNESSEE v. SHANNON BRUCE
FOSTER
E2020-00304-SC-R11-CD

Knox County Criminal Court
Bobby R. McGee
112413

Montgomery Jr., Robert H.: Affirm

DENIED - Application of Shannon
Bruce Foster;
Order Filed 12-8-2021

KARLA CHASE v. OBER GATLINBURG, INC.
E2020-00649-SC-R11-CV

Sevier County Circuit Court
Rex H. Ogle
2012-0063-III

Davis, Kristi M.: Affirm

DENIED - Application of Karla
Chase;
Order Filed 12-8-2021

STATE OF TENNESSEE v. BRET A. WINES
E2020-00957-SC-R11-CD

Sullivan County Criminal Court
James F. Goodwin, Jr.
S62-568, S62-569

McMullen, Camille R.: Affirm

DENIED - Application of Bret A.
Wines;
Order Filed 12-8-2021

STATE OF TENNESSEE v. STEPHEN A. SIMPSON E2020-01340-SC-R11-CD	Loudon County Criminal Court Jeffery Hill Wicks 2018-CR-63	Holloway Jr., Robert L.: Affirm	DENIED - Application of Stephen A. Simpson; Order Filed 12-8-2021
DELIA RUTH SMITH DURHAM v. KAREN STONE ET AL. E2020-01444-SC-R11-CV	Hamilton County Circuit Court John B Bennett 20C711	McGee, Carma Dennis: Affirm	DENIED - Application of Delia Ruth Smith Durham; Order Filed 12-8-2021
STATE OF TENNESSEE v. H. GLENN SEXTON, JR. E2021-01013-SC-R10-CD	Scott County Criminal Court William B. Acree 7685	Ogle, Norma McGee, Thomas Jr., D. Kelly, Witt Jr., James Curwood: Case Dispositional Decision	DENIED - Application of Hubert Glen Sexton, Jr.; DISMISSED AS UNNECESSARY - Mr. Sexton's "Application to Proceed Informa Pauperous"; Order Filed 12-8-2021
<u>Jackson</u>			
STATE OF TENNESSEE v. JAMES MCCLAIN W2019-01217-SC-R11-CD	Madison County Circuit Court Kyle C. Atkins 19-214	Witt Jr., James Curwood: Affirm	DENIED - Application of James McClain; Order Filed 12-8-2021
DONALD JONES v. STATE OF TENNESSEE W2020-00421-SC-R11-PC	Shelby County Criminal Court Lee V. Coffee 09-01473	Williams, John Everett: Affirm	DENIED - Application of Donald Jones; Order Filed 12-9-2021

STATE OF TENNESSEE v. MAURICE "RICKY"
BLOCKER
W2020-00543-SC-R11-PC

Shelby County Criminal Court
W. Mark Ward
12-03071, 12-61946

Ayers, Jill Bartee: Affirm

DENIED - Application of Maurice
Blocker;
Order Filed 12-8-2021

STATE OF TENNESSEE v. JUSTIN CASE JENKINS
W2020-00577-SC-R11-CD

Madison County Circuit Court
Donald H. Allen
19-645, 19-646, 19-647, 19-648,
19-649, 19-650, 19-651

Witt Jr., James Curwood: Affirm in
Part

DENIED - Application of Justin
Case Jenkins;
Order Filed 12-8-2021

TABITHA GENTRY v. STATE OF TENNESSEE
W2020-00637-SC-R11-PC

Shelby County Criminal Court
James M. Lammey
13-02671

Wedemeyer, Robert W.: Affirm

DENIED - Application of Tabitha
Gentry;
Order Filed 12-8-2021

TOMMY TAYLOR v. JOHNNY FITZ, WARDEN
W2020-01294-SC-R11-HC

Lauderdale County Circuit Court
Joe H. Walker, III
7169

Thomas Jr., D. Kelly: Affirm

DENIED - Application of Tommy
Taylor;
Order Filed 12-8-2021

**IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE**

FILED 12/08/2021 Clerk of the Appellate Courts
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**WEST BEND MUTUAL INSURANCE COMPANY v. HEALY HOMES,
LLC**

**Rule 23 Certified Question of Law
from the United States District Court
for the Eastern District of Tennessee**

No. 3:20-CV-00003-DCLC-HBG

No. M2021-00902-SC-R23-CV

ORDER

Pursuant to Tennessee Supreme Court Rule 23, a certification order was filed in this Court on August 9, 2021, by the United States District Court for the Eastern District of Tennessee. Briefs have now been filed pursuant to Section 7, and, upon consideration of the certification order and the briefs filed by the parties, this Court declines certification of the following questions of law:

1. Does a standard CGL Form Pollution Exclusion, like the one contained in the insurance Policy executed between West Bend Mutual Insurance Company and Healy Homes, LLC, apply only to traditional environmental pollution into the air, water, and soil, or does it apply equally to negligence involving toxic substances *and* traditional environmental pollution?
2. Do the materials complained of in the Underlying Lawsuit, namely “debris, dirt, top soil, mud, silt, and other waste material,” qualify as “pollutants” according to Tennessee’s interpretation of the definition for “pollutant” contained in the Policy’s CGL Form Pollution Exclusion?

In light of the procedural posture of this case, this Court, in the exercise of its discretion, respectfully declines to answer the certified questions. *See* Tenn. Sup. Ct. R. 23, § 9; *Seals v. H & F, Inc.*, 301 S.W.3d 237, 241 n.3 (Tenn. 2010). The parties’ request for oral argument is denied as moot.

PER CURIAM